

August 26, 2006

Dear Ms. Matthews:

On behalf of the Town of Lakeville, I offer the following in response to your email of August 23, 2006 entitled Competitive Franchising Rulemaking, CTV 06-1 Reply Comments.

1. Upon receiving cable license applications our Board of Selectmen asks us, the Cable Advisory Committee, to review them and advise the BOS. This review has always begun immediately, that is to say, within hours of receipt.
2. Since 1984 Lakeville has had a standing Cable Advisory Committee. Presently, we have two members who have been serving since 1984 so there is significant experience in dealing with many facets of negotiating and governing a cable license. The committee meets as needed, and its members are reappointed annually. Any adult citizen may serve. As I stated above, we are notified immediately when application materials are received, and we pick them up at the Selectmen's office, usually within hours. The application review begins once the application is picked up by individual committee members. Once individual members have had a chance for review, we meet for discussion, usually within two weeks.
3. Lakeville does have a town counsel. However, we use Peter Epstein, esq. (101 Arch St., Boston) as our advisor and negotiator. Mr. Epstein has always received his materials either at the same time or within a day or so of when we receive them. Mr. Epstein has significant authority to "offer final terms." However, only the issuing authority can do that. In the past, Mr. Epstein has ironed out some sticky issues for the Cable Committee's approval. At that point we then recommend to the Issuing Authority (Board of Selectmen) what we think is best. To my recollection the Board of Selectmen has *always* followed our recommendations regarding cable issues.
4. To our knowledge there is no time when a Board of Selectmen member is unable to vote to execute a contract on behalf of Lakeville.
5. Regarding the streamlining of the current cable licensing process, in general, it is a good idea. However, our experience has shown that the major sticking points are usually when the company requesting the license says "no" but without explanation. Also, coordinating schedules between cable committee members, company representatives, and attorneys, while not problematic, sometimes causes an unavoidable, minor lengthening of the process. Negotiating these things takes time, IF we are to do them correctly.
6. In the past, we have followed the state timelines for hearings. As for the time necessary to identify Lakeville's cable-related needs, my recollection is that it took 30 days or so for us to feel that we gave the town an opportunity to respond. During our most recent document exchange with Verizon, we responded to their Form 100 within 90 days. Every bit of that time was needed, especially since we found much conflicting and confusing information in their Form 100. The length of time in the process that is

difficult to gauge is that time when negotiations take place. All of our town responses depend on the licensee's responses to us. That takes time!

7. We last completed a full review of cable-related needs when we negotiated our license with Comcast, signed in January of 2001. Being such a small town, as committee members, we often get phone calls lodging complaints and concerns about the cable service. Further, we often run into subscribers/citizens who ask questions and tell us of their concerns as well. Once a good understanding of what the town wants/needs is completed (ascertainment) we believe that an active, listening Cable Advisory Committee and Board of Selectmen is sufficient to keep current on cable-related needs.
8. As I stated in my testimony before your committee on August 16, 2006, we first met with Verizon for a "meet-and-greet" in April of 2005. We received their Form 100 in August of 2005. We responded with our IAR in November of 2005 in which we asked that they use our existing license with Comcast as a model from which to start. We then received their initial license proposal in December of 2005. As a cable committee, we began our individual and collective review at that time. We were frustrated with their format and their language and were unable to understand much of it due to contradictions and conflicting language. In February of 2006 we sent a letter to Mr. Colon of Verizon stating our concerns and telling them that the license proposal was unacceptable. Again, we asked them to use our existing license with Comcast as a model. We heard *nothing* from them until we received a letter on July 20, 2006. Despite discrepancies in the factual content of that letter, we scheduled a meeting with Verizon representatives and our counsel. As a result, we are now scheduled to meet with them on August 29, 2006 to discuss/negotiate license language. ***It is important to note that Verizon's delay in responding to our February 21, 2006 letter of concern is far longer than the time frame they wish to enforce upon us.***

If you have any further questions, please do not hesitate to contact me by email, phone (508-947-6846), or US mail (16 Barstow St., Lakeville, Ma 02347).

Sincerely,

Robert W. Marshall  
Chairman,  
Lakeville Cable Advisory Committee